

FILED
COURT OF APPEALS
DIVISION II
2015 NOV 23 AM 9:09
STATE OF WASHINGTON
BY _____
DEPUTY

Cause No. -141037955
-14-1-04764-1

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION 2

In re
Personal Restraint Petition of:

PERSONAL RESTRAINT PETITION

Coba Palmer

(Print Your Name)

Petitioner, *Pro se.*

DOC# 328879, Unit A 412 L

Monroe Correctional Complex

(Street Address) 10550 177th Ave. S.E.

P.O. Box 777

Monroe, WA 98272

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION 2

In the Personal Restraint Petition of:

PALMER IV COBA,

Petitioner.

No. -141037955-
14-1-04764-1-

PERSONAL RESTRAINT
PETITION

A. STATUS OF PETITIONER

I, PALMER IV COBA, the petitioner, *pro se*,

am currently incarcerated at the Monroe Correctional Complex, WSR

A-UNIT - 412, P.O. Box 777, Monroe, Washington

98272. I apply for relief from confinement. I am now in custody because

of the following type of court order: RESIDENTIAL BURGLARY

63 MONTHS

1. The Court in which I was sentenced is: THE SUPERIOR
COURT OF WASHINGTON, COUNTY OF PIERCE

2. I was convicted of the crimes of: RESIDENTIAL BURGLARY
THEFT °1 POSSESSION OF STOLEN PROPERTY

3. I was sentenced after ☐ trial, after plea of guilty ☒, on the _____ day of JULY, 2014. The trial judge who imposed the sentence was the Honorable LARKIN

A copy of my judgment and sentence is attached as **Appendix- A**.

4. My trial court lawyer was: DENISE K. WHITLEY
My trial lawyer's address was: NIA

5. I did ☐ did not ☒ appeal from the decision of the trial court. If the answer is that I did, I appealed to (name of court or courts to which appeal was taken): NIA

My lawyer on appeal was: NIA

My appellate lawyer's address was: NIA

The decision of the appellate court was ☐ was not ☐ published. If the decision was published, and I have this information, the decision was published in: NIA

6. Since my conviction I have ☐ have not ☒ asked a court for some relief from my sentence other than I have already written above. (If the answer is that I have asked), the Court I asked was: _____

Relief was denied on (date of decision or if more than one, all dates) N/A

7. (If I have answered in question 6 that I did ask for relief), the name of my lawyer in the proceeding mentioned in my answer to question 6 was

(Name and address if known; if none, write "none"): NONE

8. If the answer to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case,

tell about it here: MY GLOBAL RESOLUTION
WAS NOT CREDITED ON ALL CAUSE
NUMBERS ACCORDING TO PLEA AGREE-
MENT. DEPARTMENT OF CORRECTIONS
RECORDS EXHIBIT # KITE RESPONSE
DISPLAYS ONLY 3 DAYS CREDIT.

B. GROUND FOR RELIEF

(If I claim more than one reason for relief from confinement, I attach sheets for each reason separately, in the same as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc.) I claim that I have 1 (number of reasons) for this Court to grant me relief from the conviction and sentence described in Part A.

FIRST GROUND

1. I should be given a new trial or released from confinement because

(Here state legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement):

MODIFICATION TO
CAUSE NO. 14-1-04764-1 SHALL BE RAN
CONCURRENT ON ALL FOR THE PURPOSE
OF A GLOBAL RESOLUTION.

2. The following facts are important when considering my case (After each fact statement, put the name of the person or persons who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that, also): _____

WHEN A PLEA IS ENTERED FOR A
A GLOBAL RESOLUTION MY DUE PROCESS
TO HAVE EACH COUNT CREDITED AS
IF EACH COUNT HAPPEN AT THE SAME
TIME. THE MISCARRIGE IN JUSTICE IS
FOR THE SUPERIOR COURT OF PIERCE
COUNTY TO ABUSE IT'S DISCRETION ON
A PROCESS TO OBTAIN AN ADVANTAGE
ON A CONCURRENT ORDER.

3. The following reported court decisions (include citations if possible) in cases similar to mine show the error I believe happened in my case (if none are known, state "None known"):

CRR 7.8 (c) (2) MOTION
TO MODIFY OR CORRECT JUDGMENT
AND SENTENCE MUST STILL BE HEARD
AND A DETERMINATION HAS TO BE MADE
AS TO WHETHER THE PETITION WILL BE
CLASSIFIED. THE RULE AND THE STATUTE
CHANGED IN 2007.

4. The following statutes and constitutional provisions should be considered by the court (if none are known, state "None known"):

THE NEW RULE AND STATUTE OF
CRR 7.8 WENT INTO EFFECT IN "2007"
THE PROVISION STATES TO TRANSFER

TO THE COURT OF APPEALS IN ACCORDANCE
TO THE RULE.

ABUSE OF PROCESS: BY THE TRIAL COURT
WHO FAILED TO DETERMIN THE PETITION
OR TRANSFER TO THE COURT OF APPEALS.

5. This petition is the best way I know to get the relief I want, and no

other way will work as well because: A VIOLATION OF DUE

PROCESS TO ABUSE OF PROCESS IN
DETERMINING THE STATUS OF PRR 7.8 (C) (2)

THIS IS A FUNDAMENTAL PROCESS OF
THE SUPERIOR COURTS FUNCTION.

C. STATEMENT OF FINANCES

If you cannot afford to pay the filing fee or cannot afford to pay an attorney to help you, fill this out. If you have enough money for these things, do not fill out this part of the form.

1. I do ☒ do not ☐ ask the court to file this without making me pay the filing fee because I am so poor I cannot pay the filing fee.

2. I have a spendable balance of \$ 0 in my prison or institution account. My account certification is attached as **Appendix- B**.

3. I do ☒ do not ☐ ask the court to appoint a lawyer for me because I am so poor I cannot afford to pay a lawyer.

4. I am ☐ am not ☒ employed. My salary or wages amount to \$ _____, per month. My employer is: _____

My employer's address is: N/A

5. During the past 12 months I did ☐ did not ☐ get any money from a business, profession or other form of self-employment. If I did, it was

\$ 0 and the total income I got was \$ 0

6. During the past 12 months, I did ☒ did not ☐ get any rent payments. If so, the total amount I got was \$ 0.

a. I did ☒ did not ☐ get any interest. If so, the total amount I got was \$ 0.

b. I did ☒ did not ☐ get any dividends. If so, the total amount I got was \$ 0.

c. I did ☐ did not ☒ get any other money. If so, the total amount I got was \$ 0.

7. I did ☐ did not ☐ have any cash except as said in answer 2. If so, the total amount of cash I have is \$ 0.

a. I did ☐ did not ☐ have any savings accounts or checking accounts; if so, the amount in all accounts is \$ 0.

b. I did ☐ did not ☐ own stocks, bonds or notes; if so, their total value is \$ 0.

8. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what each item of property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need:

<u>Items</u>	<u>Value</u>
Court cost	\$ 0
	\$ 0
	\$ 0
	\$ 0
	\$ 0

9. I am ☐ am not ☒ married. If I am married, my wife's name and address is: _____

10. All of the persons who need me to support them are listed here.

<u>Name and Address</u>	<u>Relationship</u>	<u>Age</u>
Lakeisha Tate	Fiance'	26
Keshiya Robinson	step-Daughter	6
Jah' Lavious Palmer	son	6
Zamora Collins	Daughter	3

11. All the bills I owe are listed here. Name of the creditor(s):

<u>Name of Creditor</u>	<u>Address</u>	<u>Amount</u>
Comcast	N/A	\$ N/A
Metro PC	N/A	\$ N/A
		\$
		\$

D. REQUEST FOR RELIEF

I request this Court to:

- ☒ vacate my conviction and give me a new trial
- ☐ vacate my conviction and dismiss the criminal charges against me without a new trial

☒ other (specify):

MODIFY MY JUDGMENT & SENTENCE
OR VACATE THE ENTIRE PLEA DEAL
IN REFERENCE TO THE ACCOUNTABILITY
ACT THE SUPERIOR COURT CAN'T
HAVE IT BOTH WAYS

E. OATH OF PETITIONER

[illegible]

After being first duly-sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2015.

Notary Public in and for the State of
Washington, residing at _____
My commission expires: _____

If a Notary is not available, explain why none are available and indicate who can be contacted to help you find a Notary:

I declare that I have examined this petition and to the best of my knowledge and belief it is true and correct.

Dated this _____ day of _____, 2015.

Coba Palmer
(Print) Coba Palmer
Petitioner, *Pro se*.
DOC# 3288079, Unit A 412 L
Monroe Correctional Complex
(Street address) 16650 177th Ave. SE
P.O. Box 777
Monroe, WA 98272